

Emily Hjulstrom

From: Sandra Shackelford
Sent: Thursday, January 18, 2018 3:10 PM
To: Vicki Wheaton; Steve Carter; Linda Staton; David shreve; Emily Hjulstrom; Phillip Payne
Subject: RE: Campbell supervisors hire new county attorney | Local News | newsadvance.com

Ms. Wheaton,

Virginia Code statutes 2.2-4344 and 15.2-2308 give the BZA the ability to hire an attorney without having to following the procedures required by the Public Procurement Act.

At this point, I again need to emphasize that I am unable to respond to the content of the questions raised in your email. I am requesting that moving forward, you refrain from contacting me regarding this matter unless it is to submit written information relevant to issues of law or fact for the BZA's consideration in the pending hearings.

Sincerely,

Sandy Shackelford, AICP
Director of Planning & Zoning
sshackelford@nelsoncounty.org
434-263-7091

From: Vicki Wheaton [mailto:vickiwheaton@gmail.com]
Sent: Thursday, January 18, 2018 2:25 PM
To: Steve Carter <SCarter@nelsoncounty.org>; Sandra Shackelford <sshackelford@nelsoncounty.org>; Linda Staton <lstaton@nelsoncounty.org>; David shreve <dwshrevelaw@comcast.net>
Subject: Campbell supervisors hire new county attorney | Local News | newsadvance.com

Steve & Sandy,

Was Nelson aware of this? So, now his fee is \$300/hour? Why wasn't a job posting done for this position like it was done for technical assistance. At Tuesday's BZA Meeting Sandy said she considered several applicants that responded to provide technical assistance to the BZA before she settled on Draper. Who else was considered for legal assistance besides David Shreve? His office is 1 hour & 18 minutes away so it's \$300 just for him to drive to Nelson. Part of Campbell County's decision was based on trying to keep their costs down. I'll give the benefit of the doubt by thinking his fee was less than local fees.

Please explain your decision. Was the BZA made aware of his contract with Campbell County not being renewed? My guess is there were other reasons as well but they didn't want to hurt his reputation.

If the BZA enforces our Floodplain Ordinance there's no need to hire an Attorney or Draper. They have the Ordinance & the discretion...period...no justification needed. The ordinance is all they need. Critical Facilities & Hazardous Materials are prohibited in our Floodplains for very good reasons. When the hoards show up on 2/12 you'll hear all of these reasons but the bottom line is you already know them so I suggest Nelson saves itself the time & trouble by just accepting the fact that it's absolutely insane to allow the ACP project to be in our County. If a higher power wants to force it on us let it be them & not us. We adopted our FPO to protect life & property...a very prudent choice. It's a no brainer. I assume you've hired David & Draper because you're wanting the BZA to consider approving Variances otherwise their services aren't required. Why do you think this is necessary? We are beholden to enforce our FPO. What happens after that is not our problem. ACP LLC will then have to decide if they want to bully their highly dangerous

project into our Floodplains by using the Natural Gas Act, FERC...whatever. It's here that our FPO would need to be defended. We don't need or is it appropriate to defend it now. Let this go, place it in the higher powers hands to decide don't strip away local power.

Maybe ACP LLC will just go away & our FPO never needs to be defended. In my opinion no defense is even necessary but it appears that no amount of danger seems to be enough for ACP LLC to let go. Look at what just happened with the BZA in Augusta...another highly dangerous proposed project. Even Connie Brennan told their BZA that it was the worst project she has ever seen proposed. She feels the same about this situation. At their first meeting in Nelson ACP LLC told me/us that safety was one of their Golden Rules...I replied...my God then what are you doing here? Augusta & Buckingham could pose the same question. As can Bath, Highland....& their Residents have been showing up in hordes asking for their Counties to protect them from a Corporation who isn't even licensed in Virginia.

Since when is it legal for someone to ask for a Variance on property they don't own? How about I ask for a Variance on one of your properties. Even if they have easement agreements (& I know they don't have on at least 4 of them)...that this proves ownership is certainly challengeable. Also, the easement agreements may not allow for Variances to be obtained & if ACP LLC withheld this information it could be interpreted as misrepresentation.

How would you feel about this? So far in Nelson & every other County along the ACP they have bullied their way onto resident's properties by using the VA right to entry law that Dominion wrote & got passed & now the Averitt's, Agelasto's etc are being threatened by Eminent Domain proceedings & also find out that Variances are trying to be obtained on their properties without their permission&/or knowledge. Please explain to me why you're going along with this madness? It's understandable that people are outraged &/or upset. Personally I applaud their ever increasing loud voices.

Then, despite all the suspicions etc out there already, David Shreve recommended that the BZA close their doors? My Counsel says the BZA should require him to put all his recommendations to them in writing & it be posted on their website so Counsel, individuals etc can make their comments or give opposing interpretations of the law. It's not wise to go into proceedings limiting transparency when transparency is already in question. In my opinion David Shreve needs to be replaced already as his impartiality has already been compromised & his interpretation of the law limited & questionable. For example there's no law stating that the public can't talk to BZA Members. I sent Sandy, David etc the code verifying this. The Augusta public is openingly communicating with BZA Members & the BZA Members are encouraging them to do so. Please let me know what is going on here?

I suggest you move the 2/12 Meeting to the High School as I'm completely confident 100s of people will be showing up.

I could go on & on & I will. This information is being widely distributed so I'm trying to give you the heads up here.

I just want to point out that this situation would have arose whether we amended our FPO or not so there was no harm in amending it...in fact it was the prudent thing to do & I'm grateful for the time & resources that the County expended. However, expending time & resources at this stage is a waste & could be detrimental to the little authority localities still have. Plus the application is illegal for all the reasons I've pointed out. That's what David Shreve should have pointed out to the BZA on 1/16. The fact that he didn't is reason enough to terminate his contract as he's encouraging the BZA to act illegally.

Thanks for your considerations & Sandy please make sure the BZA receives this e-mail & let me know the date & time it's sent to them.

Take care,
Vicki Wheaton

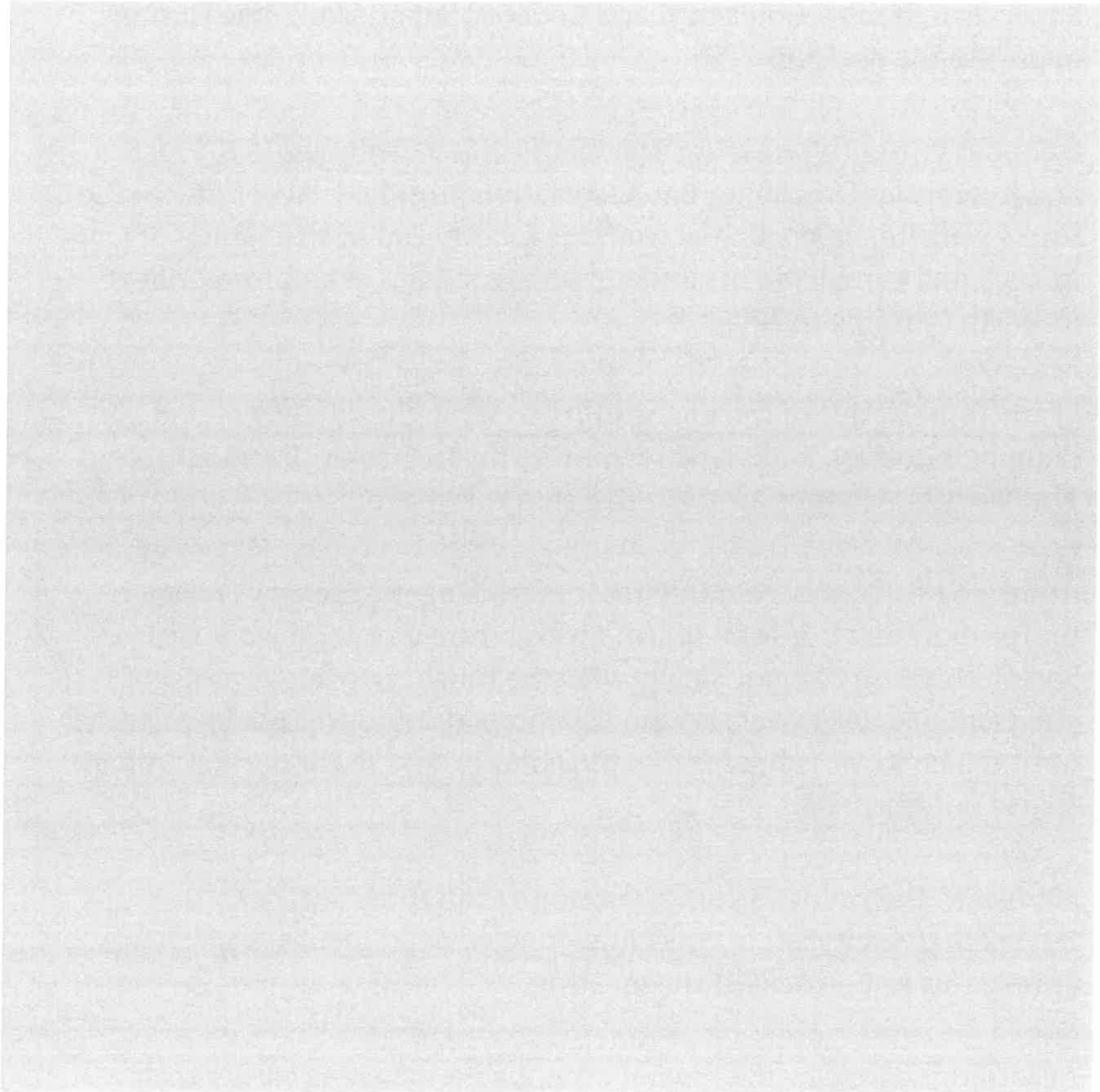
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Campbell supervisors hire new county attorney

Margaret Carmel Sep 5, 2017



The Campbell County Board of Supervisors named F. E. “Tripp” Isenhour its new county attorney, electing to end longtime attorney David Shreve’s contract.

At the board’s meeting Tuesday, supervisors voted 4-3 in favor of hiring Isenhour, with Brookneal Supervisor J.D. Puckett, Altavista Supervisor Stanley Goldsmith and Concord Supervisor Eddie Gunter opposing the decision.

Isenhour currently works for Lynchburg-based firm Caskie & Frost and is a former Lynchburg Bar Association president. According to the firm’s website, he graduated from the Liberty University School of Law in 2008 and completed his undergraduate studies at Guilford College in North Carolina in 2005.

“I am appreciative of the opportunity to serve the citizens of Campbell County, and I look forward to my new role,” Isenhour told The News & Advance after the decision was made.

According to County Administrator Frank Rogers, the new contract for Isenhour has not been drawn up and the county will work with Shreve to phase him out slowly while he finishes up larger projects and Isenhour takes over. Isenhour’s compensation will not be released until the contract is finalized in the coming days. Isenhour’s start date also is not finalized.

Shreve, as the county attorney for more than three decades, represented Campbell in court and pursued delinquent tax payments. Shreve was not present at the meeting.

According to Rogers and several other board members earlier this month, the aim of putting out the request for proposals for a new county attorney was to ensure the locality is getting the best price possible.

“David Shreve has done a wonderful job as county attorney for Campbell County, but that service has not been competed [for] some time,” Rogers said in August about the decision to put out the RFP.

“While Shreve was well regarded, there was a sense among the board that we need to compete that service to make sure we’re being fiscally responsible.”

Shreve is a contract employee with the county and is paid a retainer of \$46,000 annually and has an additional hourly rate of \$225 he charges to represent the locality in court, Rogers previously told The News & Advance. Payments to Shreve were more than \$100,000 last year, according to Rogers.

After the vote, Timberlake Supervisor Mike Rousseau was enthusiastic about Isenhour and accused the three supervisors who voted against the change of attorneys to be pushing a political agenda over fiscal responsibility.

“I think we had three members of the board who displayed excessive partisan politics in the vote,” Rousseau said after the meeting’s conclusion. “I think it’s a reflection of the fact that for 37 years, this board has failed to even consider alternate legal service candidates, and what they showed tonight is they’re firmly committed to one candidate and have no interest whatsoever in advancing the county’s interest and saving the county money, and I find that unfortunate.”

In the same vein, Rustburg Supervisor Eric Zehr said the vote to replace Shreve was a move in support of fiscal responsibility and against the status quo.

“I take very seriously my duty as a steward of tax payer dollars, and I couldn’t continue to rubberstamp one of the county’s most expensive contracts year after year without looking at it,” Zehr told The News &

Advance after the decision. “I know this is different than how things have been done in the county over the last decades, but I was not elected to get along. I was elected to serve the people I represent.”

Spring Hill Supervisor James Borland echoed the comments from Zehr and Rousseau, saying the decision to go with a more inexpensive attorney was the right decision for the budgetary needs of the Campbell government.

“David Shreve served ably and well for many years,” Borland said. “We were planning for the county’s needs for a sharp, younger county attorney who can carry us forward for the coming decades and be a better fit for the county budget.”

Defending his nay vote, Gunter said he opposed terminating Shreve’s contract because of his longtime service and experience working with the county.

“It wasn’t that I was against [Isenhour], but it’s because [Shreve] has been so loyal to our county for 37 years, and I couldn’t turn my back on that. We’ve had some bumps in the road, and he’s been through all of it, and I can’t forget things like that.”

Goldsmith declined to comment. Puckett and Sunburst Supervisor Bob Good could not be reached for comment by press time.

Correction

The News & Advance did not reach out to David Shreve for comment following the Campbell County Board of Supervisors decision. A previous version of this story said Shreve was unavailable for comment.